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Ming-Fang Tsai

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25859

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10/14/2008

WEI TE CHUNG

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EXAMINER

NELSON, FREDA ANN

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

10/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,826

Applicant(s)

TSAI, MING-FANG

Examiner

FREDA A. NELSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

The amendment received on August 18, 2008 is acknowledged and entered.

Claims 1 and 5 have been amended. Claim 3 has been canceled. Claims

10-12 have been withdrawn. No Claims have been added. Claims 1-2 and 4-12 are currently pending.

Response to Amendment and Arguments

Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5-8 are directed to a series of steps. In order for a series of steps to be considered a proper process under § 101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent eligible, these processes must positively recite the other statutory class to which it is tied (e.g., by identifying the apparatus that accomplishes the method steps), or

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positively recite the subject matter that is being transformed (e.g., by identifying the product or material that is changed to a different state). Claims 5-8 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choe et al. (US PG Pub. 2002/0069082).

As per claim 5, Choe et al. discloses the method for purchase order management, the method comprising the following steps:

determining whether a customer is an existing customer, and if the customer

is an existing customer, enquiring of information on the customer (§ [0065]);

enquiring of information on a product (§ [0018]);

determining whether the product has price information, and if the product has price information, acquiring the product's price (§ [0082],[0146]; see claim 32). Choe et al. further teaches orders for which an ordered product quantity and

a price are different from the previously set-up minimum order quantity and price are errors (§ [0146]) and errors can be corrected (claim 32), therefore, the examiner interprets this as inputting and storing price information};

determining whether a total purchase price of the product exceeds the customer's credit limit, and if the total purchased price does not exceed the customer's credit limit, accepting the purchase order (§ [0020],[0022],[0108]; and

determining whether inventory of the product is sufficient, and if the inventory is sufficient, determining to dispatch the product (§ [0085]; FIG.).

Choe et al. does not explicitly disclose enquiring whether the customer agrees to reproduction of the products; and informing a relevant workshop to commence producing the products if the customer agrees to reproduction of the products.

However, the Examiner takes Official Notice that it is old and well known in the business industry to replace or reproduce orders that are not correct.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Choe et al. to include the feature of reproducing orders for customers for customer satisfaction.

As per claim 6, Choe et al. discloses the method for purchase order management as described in claim 5, further comprising the step of inputting and storing information on a new customer, if the customer is not an existing customer (§ [0065]).

As per claim 7, Choe et al. discloses the method for purchase order management as described in claim 5, further comprising the step of inputting and storing price information on the product, if the product has no price information (§ [0146]; see claim 32). Choe et al. teaches orders for which an ordered product quantity and a price are different from the previously set-up minimum order quantity and price are errors (§ [0146]) and errors can be corrected (claim 32), therefore, the examiner interprets this as inputting and storing price information}.

As per claim 8, Choe et al. disclose the method for purchase order management as described in claim 5, further comprising the step of refusing the customer's purchase order, if the total price exceeds the customer's credit limit (§ [0112]).

As per claim 9, Choe et al. discloses the method for purchase order management as described in claim 5, further comprising the step of ordering the workshop to produce the product, if the inventory is not sufficient (see FIG 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being unpatentable over Choe et al. (US PG Pub. 2002/0069082), in view of Lettich et al. (US PG Pub. 2002/0049622), still in further view of Franco et al. (US Patent Number 7,257,552).

As per claim 1, Choe et al. discloses a system for purchase order management, the system comprising a database server and a plurality of client computers connected with an application server (FIG. 1), wherein:

the database server is used for storing customer data, product data, and purchase order data (§ [0017]; FIG. 10);

the application server is used for managing purchase orders according to the customer data, the product data and the purchase order data, the application server (FIG. 15) comprising:

a product information maintaining module for maintaining and integrating information on products (FIG. 15);

a customer information maintaining module for maintaining and integrating information on customers (§ [0015], [0018]);

a product price information maintaining module for determining a price for each customer (see claim 14); and

a shipment information maintaining module for scheduling production and shipment of products (§ [0048]); and

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each of the client computers is enabled to visit the application server, and further to access data stored in the database server via the application server (§ [0018]).

Choe et al. does not disclose a customer complaints managing module for managing customer complaints, deferring shipments, enquiring whether the customer agrees to production of the products, and informing a relevant workshop to produce the products. However, the Examiner takes Official Notice that it is old and well known in the business industry to replace or reproduce orders that are not correct. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Choe et al. to include the feature of reproducing orders for customers for customer satisfaction.

However, Lettich et al. disclose that in regards to the processing of carrier claims, ShipChem.com files supplier claims on behalf of its customers wherein claims include those due to carrier contamination, customer downtime due to late shipments, delivering damaged material, and delivering the wrong amount of products (§ [0137]); and in regards to answering customer complaints, ShipChem.com investigates customer complaints and works closely with the various service providers to ensure that root cause failure analyses are properly done in order to minimize repeat complaints (§ [0138]); and in regards to order integration, ShipChem.com provides order integration functions, such as order entry screens, electronic interfaces, and ERP integration capabilities (*ERP, enterprise resource planning, is an industry term for the broad set of activities*

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supported by multi-module application software that help a manufacturer or other business manage the important parts of its business, including product planning, parts purchasing, maintaining inventories, interacting with suppliers, providing customer service, and tracking orders) (§ [0194]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Choe et al. to include the features of Lettich et al. and Myrick et al. in order to provide better customer service by resolving shipping conflicts.

As per claim 2, Choe et al. discloses the system for purchase order management as described in claim 1, wherein the application server further comprises a shipment delay managing module for managing delayed purchase orders according to production schedules (see claim 37).

As per claim 4, Choe et al. discloses the system for purchase order management as described in claim 1, wherein the application server further comprises a purchase order reports outputting module for integrating all purchase order information and storing the information in the database server (§ [0015]).

Examiner's Note

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Examiner cited particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./
Examiner, Art Unit 3628

/Igor N. Borissov/
Primary Examiner, Art Unit 3628